

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven D. Kimmell, et al.)Examiner
Serial No.:	10/599,829)Unknown
Filed:	10/11/2006)Art Unit
For:	<u>MULTI-SITE INJECTION SYSTEM</u>)Unknown

July 2009

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

In response to a Notification mailed July 13, 2009, copy attached, requiring a declaration in compliance with 37 CFR 1.497(a)-(b), the Applicant submits herein complete declaration by the inventor Steven D. Kimmel and Scott J. Gerondale.

Respectfully submitted,



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13 JUL 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE CA 92612-1599

In re Application of
KIMMELL et al.
Application No.: 10/599,829 : NOTIFICATION
PCT No.: PCT/US2005/012122 :
Int. Filing Date: 11 April 2005 :
Priority Date: 12 April 2004 :
Attorney Docket No.: 17683(AP) :
For: MULTI-SITE INJECTION SYSTEM :

This notification is in response to applicants' submission filed 13 June 2008, which includes two declarations of inventors.

BACKGROUND

On 11 April 2005, applicant filed international application PCT/US2005/012122 which designated the U.S. and claimed a priority date of 12 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 October 2006.

On 11 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a Transmittal Letter for entry into the United States national stage under 35 U.S.C. 371 and an unexecuted declaration of inventors.

On 16 May 2007, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned for failure to pay the United States Basic National Fee by thirty months from the priority date. This NOTIFICATION was mailed to Allergan, Inc, in Irvine, CA, which was an incorrect address.

On 25 January 2008, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned for failure to pay the United States Basic National Fee by thirty months from the priority date. This NOTIFICATION was mailed to the correct address.

On 31 January 2008, applicants filed a petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, an executed declaration of inventors.

On 09 June 2008, a decision was mailed granting applicants' petition under 37 CFR 1.137(b). The decision also indicated that the declaration of inventors filed 31 January 2008 was improper and set a TWO (2) MONTH extendable time period for providing a proper declaration in compliance with 37 CFR 1.497(a)-(b).

On 13 June 2008, applicants filed the instant submission which includes two declarations of inventors.

DISCUSSION

Declarations of Inventors filed 13 June 2008

The declarations of inventors filed 13 June 2008 are not in compliance with 37 CFR 1.497(a)-(b). The declarations are unsigned and the declarations fail to list all of the inventors. Each declaration only lists one inventor.

Declaration of Inventors filed 31 January 2008

The declaration filed 31 January 2008 is an improper composite declaration, consisting of one of Page 1, one of Page 2, none of Page 3 (see declaration filed 11 October 2006 which does include a Page 3) and two of Page 4 of 4. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents.

CONCLUSION

Since the reply filed 13 June 2008 appears to have been bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to provide a proper declaration or declarations in compliance with 37 CFR 1.497(a)-(b). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office

of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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